

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

vs.

KENNETH N. JOHNSON; and
TWILA M. JOHNSON,
Defendants.

NO. CV-04-106-JLQ

ORDER FOR ENTRY OF
JUDGMENT AND DECREE
OF FORECLOSURE

Plaintiff's Application for Judgment and Decree of Foreclosure upon Order of Default having come on for consideration; the defendants KENNETH N. JOHNSON; and TWILA M. JOHNSON, being in default and their default having been entered; and the Court being fully advised in the premises,

IT IS ORDERED, ADJUDGED, and DECREED as follows:

I.

Plaintiff shall be awarded judgment against defendant KENNETH N. JOHNSON in the amount of \$124,324.39 (\$97,531.97 principal and \$26,792.42 interest accrued through December 6, 2006); and interest accruing thereafter at the daily rate of \$13.893, to the date of judgment; plus interest from the date of judgment at the legal rate until paid in full, for costs of suit, including the filing fee allowed pursuant to 28 U.S.C. § 2412(a)(2), and other proper relief.

II.

The debt upon which this judgment is based is secured and perfected by the following:

- (1) A real estate mortgage recorded October 26, 1973, under

Auditor's File No. 170299, Official Records of Douglas County, Washington.

(2) A real estate mortgage recorded September 11, 1980, under Auditor's File No. 207628, and re-recorded December 9, 1981, under auditor's File No. 213367, in the Official Records of Douglas County, Washington.

III.

The foregoing real estate mortgages cover the following described property situated in Douglas County, State of Washington:

REAL PROPERTY

See Exhibit A attached hereto.

and the mortgages contain a security agreement covering the following-described irrigation equipment located on the real property:

600' 3" steel pipe
850' 4" steel pipe
305' 3" steel pipe
850' 3" PVC pipe
4000' 2" PVC pipe
2000' 1½" PVC pipe
2000' 1¼" PVC pipe
2000' 2" PVC pipe
5000' ¾" PVC pipe
1500' 2" aluminum pipe

628 sprinkler heads and risers, complete with adapters, couplers, elbows, plugs, valves, fittings and connections, including but not limited to any replacements or additions to such systems.

Defendant TWILA M. JOHNSON claims a \$5,200 lien in a Decree of Dissolution entered September 23, 2003, under Recording No. 03-9-00366-5, Official Records of Douglas County, Washington.

IV.

The interests of all Defendants are inferior to the interest of the Plaintiff.

V.

Said real estate mortgages and security agreement, which constitute first

1 and prior liens upon the property described therein, are hereby foreclosed and
2 defendant KENNETH N. JOHNSON and all persons claiming by, through or
3 under them are forever barred and foreclosed from asserting any right, title, or
4 interest in and to said property, except for the statutory rights of redemption
5 allowed by the laws of the State of Washington, and said property is hereby
6 ordered sold in the manner provided by law with the proceeds of such sale to be
7 applied to the expenses thereof, and then in satisfaction of the sums adjudged to
8 be due plaintiff herein.

9 VI.

10 Any party to this suit may become a purchaser at such sale.

11 VII.

12 The plaintiff shall not have a deficiency judgment in the event the sum
13 received from the sale is insufficient to pay the judgment in full.

14 The Clerk of this court shall enter this Order and judgment, distribute
15 copies, and close this file.

16 DATED this 5th day of June, 2007.

17 s/ Justin L. Quackenbush
JUSTIN L. QUACKENBUSH
18 Senior United States District Judge
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